

December 16, 2008

VIA E-MAIL

EX PARTE

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
Room TW-325
445 12th Street, S.W.
Washington D.C. 20554

Re: WC Dkt. Nos. 07-256, 08-24, 08-49

Dear Ms. Dortch:

On December 15, 2008, Nirali Patel, Jonathan Lechter and the undersigned, on behalf of tw telecom inc., One Communications Corp., and Cbeyond Inc. (together, the Joint Commenters), met with Scott Bergmann, legal advisor to Commissioner Jonathan Adelstein. Today, the undersigned, again on behalf of the Joint Commenters, had a telephone conversation with Scott Deutchman, legal advisor to Commission Michael Copps. During both of these conversations, the Joint Commenters' representatives argued that the FCC should deny the FEATURE GROUP IP ("FGIP") petition for forbearance from application of access charges to the VoIP traffic described in the petition. Our comments were consistent with the comments filed by the Joint Commenters in WC Docket No. 07-256.

During each of the two conversations, we, on behalf of the Joint Commenters as well as Integra Telecom Inc., also argued that the FCC must reassess the analytical framework it uses to consider ILEC petitions for forbearance from unbundling obligations. In particular, we emphasized that, in assessing such petitions, the FCC (1) should utilize appropriate product and geographic markets; (2) should not rely on competition in one distinct product market as evidence of competition in an entirely different product market; and (3) should deny forbearance where granting the relief would create a duopoly in the downstream retail market. Our other comments regarding the FCC's analytical framework in UNE forbearance cases were consistent with the Joint Commenters' filings in the above-referenced proceedings.

Pursuant to Section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b), a copy of this notice is being filed electronically in the above-referenced dockets.

Respectfully submitted,

_____/s/
Thomas Jones

October 2, 2008

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cc: Scott Bergmann
Scott Deutchman